



Honorable Linda B. Riegler  
United States Bankruptcy Judge



Entered on Docket  
December 09, 2011

**LEWIS AND ROCA LLP**

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Robert M. Charles, Jr. NV State Bar No. 006593  
Email: rcharles@lrlaw.com  
John Hinderaker AZ State Bar No. 018024  
Email: jhinderaker@lrlaw.com  
Marvin Ruth NV State Bar No. 10979  
Email: mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**ORDER GRANTING USACM  
LIQUIDATING TRUST'S MOTION  
TO WITHDRAW MOTION TO  
ALLOW CLAIMS BASED UPON  
INVESTMENT IN THE COPPER  
SAGE PHASE II LOAN [DE 8917]  
AND SUSTAINING OMNIBUS  
OBJECTION TO CLAIMS BASED  
UPON INVESTMENT IN THE  
COPPER SAGE PHASE II LOAN,  
EXCEPT FOR THE SANTORO  
FAMILY TRUST UTD 11/29/02  
PROOF OF CLAIM**

The Court having considered the USACM Liquidating Trust's (a) Motion to Withdraw Motion To Allow Claims Based Upon Investment In The Copper Sage Phase II Loan ("the Motion") [DE 8917] and (b) Omnibus Objection To Claims Based Upon Investment In The Copper Sage II Loan ("The Objection") [DE 9331] at the hearing held on November 15, 2011; appropriate notice of the Motion and Objection having been given and no responses having been filed; a stipulation having been entered into by and between

the USACM Liquidating Trust and the Santoro Family Trust UTD 11/29/01; and good cause appearing.

IT IS ORDERED

1. The Motion and Objection [DE 9331] is approved;
2. The Motion to Allow Claims Based Upon Investment in the Copper Sage Phase II Loan [DE 8917] is hereby deemed withdrawn;
3. The Proofs of Claims listed on Exhibit A, except for the Santoro Family Trust UTD 4.29/02 proof of claim No. 10725-01472 ("Santoro Claim"), attached are hereby disallowed to the extent those claims are based upon an investment in the Copper Sage Phase II Loan; and
4. The Trustee's objection as to the Santoro Family Trust UTD proof of claim is denied;
5. The Stipulation re the Santoro Claim [DE 9511] is approved;
6. The Santoro Claim is allowed as a unsecured non-priority claim to the extent it is based upon an investment in Copper Sage Phase II loan in the amount of \$50,000; and
7. This order will not affect the remaining portion of the Santoro Claim.

PREPARED AND RESPECTFULLY SUBMITTED BY:

**LEWIS AND ROCA LLP**

By /s/ John Hinderaker (AZ #018024)

Robert M. Charles, Jr.

John Hinderaker (*pro hac vice*)

3993 Howard Hughes Parkway, Ste. 600

Las Vegas, Nevada 89169-5996

Telephone: (702) 949-8320

Facsimile: (702) 949-8321

*Attorneys for USACM Liquidating Trust*

# LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

\_\_\_\_\_ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Nicholas Santoro</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document

s/ \_\_\_\_\_  
 Nicholas Santoro  
 Santoro Family Trust UTD 4/29/02  
 Nevada Bar No. 0532  
 400 South Fourth Street, Third Floor  
 Las Vegas, NV 89101  
 Email: nsantoro@nevadafirm.com

Submitted by:  
 LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
 Attorneys for USACM Liquidating Trust

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

# # #

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

# USACM Trust

## Copper Sage II Loan

### Exhibit A

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Amount Relating to an Investment in the Copper Sage Commerce Phase II Loan
10725-00641	10/19/2006	Creating Moving Experiences	503 Kiel St Henderson, NV 89015-4729	100,000.00	100,000.00
10725-00142	8/15/2006	Fraser, Edward & Marge Ttees	14220 Sorrel Ln Reno, NV 89511	200,000.00	200,000.00
10725-02362	1/16/2007	Hertz, Murray	2013 Grouse St Las Vegas, NV 89134	100,000.00	50,000.00
10725-01212-2	11/10/2006	Jay E Henman Retirement Plan	C/O Jay E Henman Trustee 1023 Ridgeview Ct Carson City, NV 89705-8054	747,243.00	50,000.00
10725-02433	1/12/2007	Michaelian Holdings Llc	413 Canyon Greens Dr Las Vegas, NV 89144-0829	1,267,075.50	100,000.00
10725-01208-2	11/10/2006	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	50,000.00
10725-02353	1/16/2007	Musso Living Trust Dtd 11/30/92	Walter & Barbara Musso Ttees PO Box 2566 Avila Beach, CA 93424	623,004.79	50,000.00
10725-00406	10/2/2006	Nevada Freedom Corp	Ftbo Duane U Deverill 774 Mays Blvd Ste 10 Pmb 186 Incline Village, NV 89451-9613	101,472.60	101,472.60
10725-00536	10/10/2006	Novak, Lee	503 Kiel St Henderson, NV 89015	100,000.00	100,000.00
10725-02361	1/16/2007	Paul L Garcell & Pamela Hertz Rev Family Trust	Paul L Garcell Trustee 2013 Grouse St Las Vegas, NV 89134	100,000.00	50,000.00
10725-02188	1/12/2007	Richard M Raker Living Trust Dtd 3/18/98	Richard M Raker Ttee 982 Shoreline Dr San Mateo, CA 94404	524,840.30	60,947.00
10725-01472	11/15/2006	Santoro Family Trust Utd 4/29/02	C/O Nicholas J & Juanita Santoro Ttees 2312 Pearl Crest St Las Vegas, NV 89134-6732	300,000.00	50,000.00
10725-01495	11/27/2006	Saunders, John H & Anita	3665 Brighton Way Reno, NV 89509	50,000.00	50,000.00
10725-01885	1/8/2007	Violet, Melody J	Po Box 2201 Vista, CA 92085	Contingent/ Unliquidated	50,000.00
10725-01125	11/8/2006	Wayne Dotson Co	Peter Bogart CEO 1445 City Line Ave. Wynnewood, PA 19096	56,000.00	56,000.00

EXHIBIT A

2435611.1